

SENATE No. 1722

The Commonwealth of Massachusetts

PRESENTED BY:

Brian A. Joyce

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act Allowing for increased efficiencies in judicial administration.

PETITION OF:

NAME:

Brian A. Joyce

DISTRICT/ADDRESS:

Norfolk, Bristol and Plymouth

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT ALLOWING FOR INCREASED EFFICIENCIES IN JUDICIAL ADMINISTRATION.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 1 of Chapter 29A of the General Laws, is hereby amended by
2 inserting after the first paragraph the following:

3 All cost of maintenance and operation of the supreme judicial court, including the operation of
4 the clerk's office, the commission on judicial conduct and the board of bar examiners shall be
5 paid in lump sum to the supreme judicial court to be distributed among the supreme judicial
6 court's operations, the clerk's office, the commission on judicial conduct and the board of bar
7 examiners.

8 All cost of maintenance and operation of the appeals court, including salaries, traveling
9 allowances and expenses of the chief justice, recall judges and the associate justices shall be paid
10 in lump sum to the appeals court department to be distributed as outlined above.

11 All cost of maintenance and operation of the Trial Court, including the salaries of the justices of
12 the various departments, all costs of the central administration of the trial court, the
13 Massachusetts sentencing commission, for alternative dispute resolution services for the trial

14 court, for court security and for the chief justice of administration and management shall be paid
15 in lump sum to the chief justice of administration and management to be distributed for the
16 central administration of the trial court.

17 All cost of maintenance and operation of the superior court department shall be paid in lump sum
18 to the administrative office of the superior court department to be distributed among the various
19 courts of the department.

20 All cost of maintenance and operation of the district court department shall be paid in lump sum
21 to the administrative office of the district court department to be distributed among the various
22 courts of the department.

23 All cost of maintenance and operation of the probate and family court department shall be paid in
24 lump sum to the administrative office of the probate and family court department to be
25 distributed among the various courts of the division.

26 All cost of maintenance and operation of the land court department shall be paid in lump sum to
27 the administrative office of the land court department to be distributed among the various courts
28 of the division.

29 All cost of maintenance and operation of the Boston municipal court department shall be paid in
30 lump sum to the central division of the Boston municipal court department to be distributed
31 among the various courts of the division.

32 All cost of maintenance and operation of the housing court department shall be paid in lump sum
33 to the administrative office of the housing court department to be distributed among the various
34 courts of the division.

35 All cost of maintenance and operation of the juvenile court department shall be paid in lump sum
36 to the administrative office of the juvenile court department to be distributed among the various
37 courts of the division.

38 SECTION 2. Section 6 of Chapter 211B of the General Laws, is hereby amended by
39 striking out the following word “shall” in the fourth sentence of the paragraph and inserting in
40 place thereof the following word: “may”

41 SECTION 3. Section 6 of Chapter 211B of the General Laws, is hereby further amended
42 by striking out the following word “only” in the fourth sentence of the paragraph.

43 SECTION 4. Section 6 of Chapter 211B of the General Laws, is hereby further amended
44 by striking out the following phrase “in the nature of malfeasance, misfeasance or nonfeasance”
45 in the fourth sentence of the paragraph.

46 SECTION 5. Section 3 of Chapter 211 of the General Laws, is hereby amended by
47 striking out the following in the first sentence of the second paragraph:

48 “and provided, further that general superintendence also shall not include the authority or power
49 to exercise or supersede any of the powers, duties and responsibilities of the chief justice for
50 administration and management, as established by section one of chapter two hundred and eleven
51 B, in any general or special law except under extraordinary circumstances leading to a severe,
52 adverse impact on the administration of justice; provided, that the majority of the supreme
53 judicial court shall issue a written order that sets forth the basis for a finding that, absent such
54 action, there would be a severe and adverse impact on the administration of justice in the
55 commonwealth”.

56 SECTION 6. Section 9 of Chapter 211B of the General Laws, is hereby amended by
57 striking out part (xxii) (a) and (b) and inserting in place thereof:

58 Notwithstanding any general or special law to the contrary, the chief justice of administration
59 and management may freely transfer appropriated funds for any trial court department within
60 that same trial court department; provided, that he shall not transfer funds between different trial
61 court departments.